

## DECLARATION AND POWER OF ATTORNEY

Docket No.: RUS041USU

As below-named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names;

We believe that we are the original, first and sole inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### SYSTEM AND METHOD FOR REDUCING TIME BETWEEN PITCHES IN A SPRING-ACTUATED PITCHING MACHINE

the specification of which is attached hereto.

We hereby state that we have reviewed and understand the content of the above-identified specification, including the claims.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations Sec. 1.56(a) which states as follows:

“(a) A duty of candor, and good faith toward the Patent and Trademark Office rests on the inventor, on each attorney or agent who prepares or prosecutes the application and on every other individual who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. All such individuals have a duty to disclose to the Office information they are aware of which is material to the examination of the application. Such information is material where there is substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. The duty is commensurate with the degree of involvement in the preparation or prosecution of the application;”

and, we acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations Sec. 1.63(d).

We hereby claim foreign priority benefits under Title 35, United States Code, Sec. 119 of any foreign application(s) for patent or inventor certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

NONE

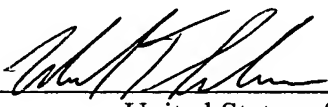
(Number)	(Country)	(Day/Mon/Yr Filed)	Yes	No
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We hereby claim the benefit under Title 35, United States Code, Sec. 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claim(s) of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Sec. 112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Sec. 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.


NONE

(Appln. S/N)	(Filing Date)	(patented, pending etc.)
(Appln. S/N)	(Filing Date)	(patented, pending etc.)

Full name of first inventor: Michael T. Suba

Inventor's signature  Date 1/22/04  
Citizen: United States of America  
Residence: Sandy Hook, Connecticut  
Post Office Address: 42 Marlin Road  
Sandy Hook, Connecticut 06482

Full name of second inventor: Timothy O'Reilly

Inventor's signature  Date 1/22/04  
Citizen: United States of America  
Residence: Ansonia, Connecticut  
Post Office Address: 20 Richard Street  
Ansonia, Connecticut 06401

POWER OF ATTORNEY

As named inventors, we hereby appoint the following attorneys to prosecute this application and transact all business in the U.S. Patent and Trademark Office connected therewith:


Gregory J. Battersby, Esq.	Reg. No. 26,703
Charles W. Grimes, Esq.	Reg. No. 27,791
James G. Coplit, Esq.	Reg. No. 40,571

Send all correspondence and direct all telephone calls to:

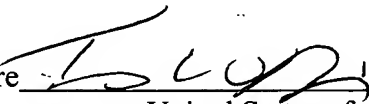
James G. Coplit, Esq.  
GRIMES & BATTERSBY, LLP  
488 Main Avenue, Third Floor  
Norwalk, CT 06851  
(203) 849-8300

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Sec. 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Michael T. Suba

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Citizen: United States of America  
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Ansonia, Connecticut 06401

Applicant(s): Michael T. Suba and Timothy O'Reilly

Serial or Patent No.: TBA

Docket No.: RUS041USU

Filed or Issued: TBA

For: SYSTEM AND METHOD FOR REDUCING TIME BETWEEN PITCHES IN A SPRING-ACTUATED PITCHING MACHINE

## VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9 (f) and 1.27 (b) - INDEPENDENT INVENTOR

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9 (c) for purposes of paying reduced fees under section 41 (a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled SYSTEM AND METHOD FOR REDUCING TIME BETWEEN PITCHES IN A SPRING-ACTUATED PITCHING MACHINE described in

☒ the specification filed herewith

☐ application serial no. \_\_\_\_\_, filed \_\_\_\_\_

☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_

I have not assigned, granted, conveyed or licensed any am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9 (c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9 (d) or a nonprofit organization under 37 CFR 1.9 (e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

☐ no such person, concern, or organization

☒ persons, concern or organizations listed below\*

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME ProBatter Sports, LLC

ADDRESS 92 Woodmont Road, Milford, Connecticut 06460

☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NON PROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28 (b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Michael T. Suba

NAME OF INVENTOR

Timothy O'Reilly

NAME OF INVENTOR

NAME OF INVENTOR

[Signature]

SIGNATURE

[Signature]

SIGNATURE

SIGNATURE

1/22/04

DATE

1/22/04

DATE

DATE

42 Marlin Road

Sandy Hook, CT 06482

ADDRESS OF INVENTOR

20 Richard Street

Ansonia, CT 06401

ADDRESS OF INVENTOR

ADDRESS OF INVENTOR

Applicant(s): **Michael T. Suba and Timothy O'Reilly**

Serial or Patent No.: **TBA** Docket No.: **RUS041USU**

Filed or Issued: **TBA**

For: **SYSTEM AND METHOD FOR REDUCING TIME BETWEEN PITCHES IN A SPRING-ACTUATED PITCHING MACHINE**

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9 (f) and 1.27 (c) - SMALL BUSINESS CONCERN**

I hereby declare that I am

☐ the owner of the small business concern identified below:

☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN **ProBatter Sports, LLC.**

ADDRESS OF CONCERN **92 Woodmont Road, Milford, Connecticut 06460**

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9 (d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party of parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled **SYSTEM AND METHOD FOR REDUCING TIME BETWEEN PITCHES IN A SPRING-ACTUATED PITCHING MACHINE** by inventor (s) **Michael T. Suba and Timothy O'Reilly** described in

☒ the specification filed herewith

☐ application serial no. \_\_\_\_\_, filed \_\_\_\_\_

☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights tot he invention is listed below \* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9 (d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9 (d) or a nonprofit organization under 37 CFR 1.9 (e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NON PROFIT ORGANIZATION

NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

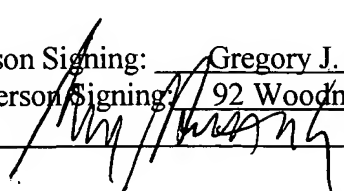
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I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28 (b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name Of Person Signing: **Gregory J. Battersby** Title Of Person Other Than Owner **President**

Address Of Person Signing: **92 Woodmont Road, Milford, Connecticut 06460**

Signature  Date **1/26/04**